

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

United States of America, :
Plaintiff(s), : Case Number: 1:08cr68-3
vs. : Chief Judge Susan J. Dlott
Clarence Nelson, :
Defendant(s). :
:

ORDER

This matter is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio Western Division to United States Magistrate Judge Michael R. Merz. Pursuant to such reference, the Magistrate Judge reviewed the pleadings and filed with this Court on January 5, 2011 a Report and Recommendation (Doc. 201). Subsequently, the defendant filed objections to such Report and Recommendation (Doc. 202).

The Court has reviewed the comprehensive findings of the Magistrate Judge and considered de novo all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that such Recommendation should be adopted.

Accordingly, defendant's motion to vacate is without merit and is hereby **DISMISSED** with prejudice. Defendant is also **DENIED** any request for certificate of appealability. Any appeal will be viewed as frivolous, therefore, leave to appeal *in forma pauperis* is also **DENIED**.

IT IS SO ORDERED.

s/Susan J. Dlott
Chief Judge Susan J. Dlott
United States District Court